

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STANLEY PATRICK WEBER,

Defendant.

Criminal Docket
No. CR 18-14-GF-BMM

Partial Transcript of Trial with a Jury
Testimony of Ronald Joseph Four Horns

Missouri River Federal Courthouse
125 Central Avenue West
Great Falls, MT 59404
Tuesday, September 4th, 2018
3:53 p.m. to 5:09 p.m.
and
Wednesday, September 5th, 2018
9:04 a.m. to 9:09 a.m.

BEFORE THE HONORABLE BRIAN MORRIS
UNITED STATES DISTRICT COURT JUDGE

Yvette Heinze, RPR, CSR
United States Court Reporter
Missouri River Federal Courthouse
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Proceedings recorded by machine shorthand
Transcript produced by computer-assisted transcription

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I N D E X

WITNESSES CALLED BY THE PLAINTIFF

PAGE

RONALD JOSEPH FOUR HORNS	
DIRECT EXAMINATION BY MS. SUEK	3
CROSS-EXAMINATION BY MR. STEINBERG	19
REDIRECT EXAMINATION BY MS. SUEK	64
RE-CROSS-EXAMINATION BY MR. STEINBERG	65

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

PROCEEDINGS

(Open court.)

(Defendant present.)

(Whereupon, during the above-entitled trial, testimony of
Ronald Joseph Four Horns proceeded as follows:)

RONALD JOSEPH FOUR HORNS,

called for examination by counsel for the government, after
having been first duly sworn to testify the truth, the whole
truth, and nothing but the truth, testified as follows:

THE COURT: Good afternoon Mr. Four Horns.

Go ahead, Ms. Suek.

DIRECT EXAMINATION

BY MS. SUEK:

Q. Sir, could you move that microphone just a little bit
closer.

Would you introduce yourself to the ladies and
gentlemen of the jury by telling them your full name.

A. Ronald Joseph Four Horns.

Q. What do you go by? What name do you go by, sir?

A. Joe.

Q. Can I call you Joe?

A. Yeah.

Q. And, Joe, we've met before, haven't we?

A. Yeah.

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 Q. Okay. Joe, how old are you?

2 A. 35.

3 Q. Where do you currently live?

4 A. I'm in Kentucky.

5 Q. And is that a federal prison?

6 A. Yes.

7 Q. Okay. How long have you been in federal prison this time,
8 Joe?

9 A. Four years.

10 Q. And what sentence -- why are you in federal prison?

11 A. For bank robbery.

12 Q. Do you remember what sentence you received, Joe?

13 A. 210 months.

14 Q. Okay. You're challenging that conviction currently. Is
15 that fair to say?

16 A. Yes.

17 Q. Okay. And you're doing that through, how? Do you have
18 somebody helping you?

19 A. Just my lawyer.

20 Q. Okay. Joe, did the United States, either through me or
21 Mr. Starnes or any representative of the United States, promise
22 you any benefit for your testimony here today?

23 A. No.

24 Q. Did you receive any instructions from anybody in the
25 United States about your testimony here today?

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 A. No.

2 Q. Okay. Joe, I'm going to ask you to look at a picture, and
3 it's going to be on that screen right in front of you. It's
4 identified as Government's Exhibit 4. I'll ask you to take a
5 look at it.

6 (Displayed.)

7 BY MS. SUEK:

8 Q. Can you see it?

9 A. Yes.

10 Q. Can you tell me if you recognize who's in that photograph?

11 A. That's me.

12 Q. How old were you, Joe?

13 A. 10 or 11.

14 Q. Okay. Tell me about your life at 10 or 11, Joe. Where
15 were you living?

16 A. I was in Browning, Montana.

17 Q. Okay. Had you lived in Browning, Montana, the whole 10
18 years before that photo was taken?

19 A. No.

20 Q. Where did you live before the photo was taken, if not
21 Browning?

22 A. In Canada.

23 Q. Were you born there?

24 A. Yes.

25 Q. When did you move to Browning?

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 A. The end of '93.

2 Q. And how old were you then?

3 A. 10.

4 Q. Do you remember why you moved to Browning?

5 A. My parents were going through a divorce, and I was living
6 with my mom.

7 Q. Do you remember how that situation made you feel, the
8 divorce and moving to Browning?

9 A. Yeah.

10 Q. How did it make you feel, Joe?

11 A. Sad.

12 Q. So was everything okay? You and your -- well, did you
13 have brothers and sisters?

14 A. Yes.

15 Q. Can you tell us how many and their names?

16 A. I've got five brothers and one sister.

17 Q. Okay. Are you the oldest, youngest, or in the middle?

18 A. My mom is the oldest, but I got an older brother too.

19 Q. Okay. And then you have -- who is the brother next to you
20 in terms of age?

21 A. Mike.

22 Q. Okay. And how much younger is Mike?

23 A. 13 months.

24 Q. Okay. And then who is next?

25 A. Emerson.

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 Q. And how much younger is Emerson?

2 A. Two years, two and a half years.

3 Q. And another brother?

4 A. Yeah, that's my brother. And then I got two younger
5 brothers. They're twins.

6 Q. And what are their names?

7 A. David and Dale.

8 Q. And how much younger are they than you?

9 A. Nine years.

10 Q. You mentioned a sister?

11 A. Yes.

12 Q. What is her name?

13 A. Nicole.

14 Q. And what's the age difference between you and Nicole?

15 A. Six years.

16 Q. Okay. Did all of your siblings, you and all of -- Mike
17 and Emerson and Dave and Dale and Nicole -- did you all live
18 with your mom?

19 A. Yes.

20 Q. Did you stay living with your mom in Browning?

21 A. No.

22 Q. What happened?

23 A. They took me away.

24 Q. Who is "they"?

25 A. Family Services.

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 Q. Do you know why?

2 A. Because my parents were drinking.

3 Q. Where did they take you to, Joe?

4 A. To the Nurturing Center in Browning.

5 Q. What was the Nurturing Center, if can you describe it for
6 us?

7 A. It was like a group home. It was just -- they kept me
8 there every time until my parents could get me back.

9 Q. Did you want to be at the Nurturing Center?

10 A. No.

11 Q. Where did you want to be?

12 A. With my mom.

13 Q. And to make sure that the jury understands this, when you
14 were at the Nurturing Center, how old were you?

15 A. 11.

16 Q. So the boy in this picture, that age?

17 A. Yes.

18 Q. Joe, do you know an individual from back then when you
19 were 10 and 11 that you would have called Dr. Weber?

20 A. Yes.

21 Q. Do you happen to see Dr. Weber here today in this room?

22 A. Yes.

23 Q. You do.

24 Does he look the same way he did back when you were
25 10 or 11?

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 A. No.

2 Q. Okay. But you do see him?

3 A. Yes.

4 Q. No doubt in your mind?

5 A. No.

6 Q. Then tell us. Tell us where is -- who are you pointing
7 to? Or who are you referring to?

8 A. He's over there at the table.

9 Q. Okay. Can you tell me anything else about him so that we
10 know who you are referring to, like, what he is wearing or
11 anything.

12 A. I can't see over them screens right there. I can't see.

13 Q. Okay. Fair to say.

14 So are you referring to this part of the room?
15 (Indicating.)

16 A. Yes.

17 Q. Okay. So you are not talking about the lady here, are
18 you? (Indicating.)

19 THE COURT: Mr. Four Horns, you can stand up for a
20 moment.

21 (Complying.)

22 THE WITNESS: No, I'm not talking about her.

23 BY MS. SUEK:

24 Q. Okay. How about this gentleman sitting next to her, right
25 here? (Indicating.)

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 A. No.

2 Q. How about the next gentleman with the silver hair? Are
3 you talking about him? (Indicating.)

4 A. Yes.

5 Q. Talking about the man with the silver hair right here?
6 (Indicating.)

7 A. Yes.

8 Q. That's who you think Dr. Weber is?

9 A. It's been a long time, but that's who I think it is.

10 Q. That's who you think it is. Okay.

11 Who is Dr. Weber to you at that time?

12 A. Nobody. Just -- I don't know. I guess he was a doctor or
13 something.

14 Q. Okay. Did you get treated by him?

15 A. Yeah.

16 Q. Okay. Like, what type? At the hospital?

17 A. Yes, at the hospital. Just like checkups, like listened
18 to my breathing and my temperature and all the stuff like that.

19 Q. Okay. And then when you were at the Nurturing Center, did
20 you ever see him there?

21 A. Yes.

22 Q. Okay. And what was that for?

23 A. Same thing.

24 Q. Okay. Now, on the screen in front of you, Joe, you are
25 going to see another photograph. It's been marked as

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 Government's Exhibit 5.

2 I'm sorry, 6.

3 (Displayed.)

4 BY MS. SUEK:

5 Q. Do you see a photograph on the screen, Joe?

6 A. Yeah.

7 Q. Do you recognize who is in this photograph?

8 A. Yes.

9 Q. Who is in the photograph?

10 A. Dr. Weber.

11 Q. Okay. Is this what he looked like when you were 10,
12 11 years old?

13 A. Yeah.

14 Q. Okay. Now, Joe, you've told us that Dr. Weber checked
15 your breathing and things like that like a doctor. Did
16 anything else that you didn't think was quite right ever happen
17 with Dr. Weber?

18 A. Yeah.

19 Q. Can you tell us what?

20 A. I don't know. He used to touch me.

21 Q. Okay. So let's start with where were you when he used to
22 touch you?

23 A. Um.

24 Q. Do you need a minute?

25 A. I was in the Nurturing Center.

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 Q. Joe, you said he used to touch you. Can you tell us where
2 he touched you?

3 A. Yeah. He used to -- inside my legs, my chest, my face.

4 Q. Those areas -- inside your legs, your chest, your face --
5 what did he touch you with?

6 A. His hands.

7 Q. Okay. Did he ever touch you on your face, your chest,
8 your legs with anything else?

9 A. No.

10 Q. Did he ever kiss you?

11 A. Yeah.

12 Q. Where did he kiss you?

13 A. The lips, my face, my neck and my chest.

14 Q. Getting back to the hands, Joe, aside from the places that
15 you've told us -- the legs, the chest, the face -- did he touch
16 any other part of your body with his hand?

17 A. Yeah, my penis.

18 Q. Did he touch your penis with anything other than his hand?

19 A. No.

20 Q. Did you ever touch his penis?

21 A. Yeah, yes.

22 Q. Why did you do that?

23 A. Because he told me to.

24 Q. What did you touch his penis with?

25 A. My hands.

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 Q. Anything else?

2 A. No.

3 Q. What about your mouth?

4 A. No.

5 Q. You don't remember that?

6 A. (No oral response.)

7 Q. Joe, when Dr. Weber touched your penis, was it under or
8 over clothing?

9 A. Under.

10 Q. Did you have any clothing on?

11 A. Yeah.

12 Q. What?

13 A. My pants.

14 Q. But it was under them?

15 A. Yeah.

16 Q. So to be clear, was it skin-on-skin, hand-on-penis?

17 A. Yes.

18 Q. Do you know how many times that happened?

19 A. No, not the exact number, but it's quite a lot.

20 Q. You said it happened at the Nurturing Center?

21 A. And at the hospital, yes.

22 Q. Okay. When it happened, Joe, was there ever anybody else
23 there?

24 A. No.

25 Q. So let's say at the Nurturing Center, did the Nurturing

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 Center have rooms?

2 A. Yes.

3 Q. And when you met with Dr. Weber, was it in any particular
4 room?

5 A. Yeah.

6 Q. What?

7 A. It had like a -- like hospital equipment in there.

8 Q. Okay.

9 A. And there was kind of -- it was right by the front door
10 when you walk in. It was off to the left.

11 Q. And was there a door on that room?

12 A. Yeah.

13 Q. When you were in that room with Dr. Weber, was the door
14 open or shut?

15 A. Shut.

16 Q. And is that the room where Dr. Weber touched your penis?

17 A. Yes.

18 Q. Is that the room where you touched his penis?

19 A. Yeah.

20 Q. Joe, you also said that you had checkups and interaction
21 with Dr. Weber at the hospital. Did you I hear you right?

22 A. Yeah.

23 Q. Did anything ever happened at the hospital, Joe?

24 A. Yeah.

25 Q. What?

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 A. You know, the same stuff.

2 Q. While at the hospital, did you ever touch Dr. Weber's
3 penis?

4 A. Yeah.

5 Q. Did you ever touch his penis with your mouth while at the
6 hospital?

7 A. Yeah.

8 Q. Do you know if Dr. Weber ejaculated when you did that?

9 A. Yeah.

10 Q. How do you know that? What do you remember about it?

11 A. He grabbed some -- some Kleenex and ejaculated on the
12 Kleenex.

13 Q. While at the hospital, did he ever touch your penis with
14 anything other than his hand?

15 A. Yeah.

16 Q. With what?

17 A. His mouth.

18 Q. Did you ejaculate?

19 A. No.

20 Q. Joe, did you ever have any type of intercourse with
21 Dr. Weber?

22 A. No.

23 Q. Do you ever remember anything about Dr. Weber trying to do
24 that?

25 A. Yeah.

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 Q. Tell us about that.

2 A. It's like a bed. It was like where you go to the room to
3 get checked. You know, like, your temperature and all of that
4 stuff, you sit on his -- I don't know what you call it. I
5 guess it's a bed. It was covered with like a white -- a white
6 paper, like a white sheet of paper, and it was on that. He
7 told me to lay on my stomach.

8 Q. Okay. Did you?

9 A. Yeah.

10 Q. Then what happened?

11 A. He tried to have sex with me.

12 Q. Can you be -- give us a few details about what you mean by
13 that.

14 A. I was laying on that -- got on that bed and laid on that
15 bed, and he pulled my pants down, and he was touching my -- he
16 was touching me, touching my butt. He was trying to have
17 intercourse with me.

18 Q. Why didn't it happen, if you know?

19 A. Because I told him no, I didn't want to do it.

20 Q. Did it hurt?

21 A. Yeah.

22 Q. Joe, when you were 10 and 11 or 12 or 13 or 14 or 20 or 25
23 or 26 or 30, did you ever tell anybody about this?

24 A. No.

25 Q. Why?

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 A. I was ashamed.

2 Q. Did Dr. Weber, at the time this was happening, ever tell
3 you he would do anything for you?

4 A. Yeah.

5 Q. What?

6 A. He told me he would help me to see my mom, get visits from
7 my mom, and try to help me to get back to her so she could get
8 custody of me again.

9 Q. Did you believe him?

10 A. Yeah.

11 Q. Joe, you told us about the bank robbery charge that you're
12 currently serving a sentence for. Any other felony
13 convictions?

14 A. Yes.

15 Q. Can you tell me about the other federal one? Let's start
16 there.

17 A. Yeah, it was -- I was charged with kidnapping, kidnapping
18 and assault.

19 Q. You were about how old when that happened?

20 A. 18.

21 Q. Yeah. Did that happen in Browning?

22 A. Yeah.

23 Q. About that time, Joe, did you start experiencing anything,
24 like mentally or physically?

25 A. Yeah.

RONALD JOSEPH FOUR HORNS - DIRECT EXAMINATION BY MS. SUEK

1 Q. What?

2 A. I started hearing -- it started with the visions, first.
3 I started seeing stuff that wasn't really there.

4 Q. Like what did you see?

5 A. Like bugs, spiders, and ants, and dead people, my victim.

6 Q. The victim of that kidnapping and assault?

7 A. Yeah.

8 Q. Were you seeing him?

9 A. Yeah.

10 Q. Have those visions kept going -- you're 35 now; right?

11 A. Yeah.

12 Q. Have they kept going on through your life?

13 A. Yep.

14 Q. Anything else, Joe, that you experience, mentally or
15 physically?

16 A. Voices.

17 Q. Okay. Do the voices say words to you?

18 A. Yeah.

19 Q. Do they ever say anything to you about Dr. Weber?

20 A. No.

21 Q. Are the visions ever about Dr. Weber?

22 A. No.

23 Q. Do you get medicine for these conditions you have
24 explained to us, the visions and the voices?

25 A. Yeah.

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 Q. How does -- does that medicine do anything for you?

2 A. Yeah.

3 Q. What does it do?

4 A. It keeps me calm, and it stops me from seeing visions and
5 hearing voices.

6 Q. Does it stop other feelings inside of you too?

7 A. Yeah.

8 Q. Like what?

9 A. It's -- everything. It stops me from being angry.

10 Q. When did you start being angry, Joe?

11 A. When I was 11.

12 MS. SUEK: May I have a moment, Your Honor?

13 THE COURT: You may.

14 (Off-the-record discussion between Mr. Starnes and
15 Ms. Suek.)

16 MS. SUEK: No further questions.

17 THE COURT: Cross-examination.

18 MR. STEINBERG: Thank you.

19 CROSS-EXAMINATION

20 BY MR. STEINBERG:

21 Q. Good afternoon, sir.

22 As you might have gathered, I am not Dr. Weber. My
23 name is Harvey Steinberg. Okay?

24 A. All right.

25 Q. I'd like to ask you some questions. Is that all right?

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 A. Yeah.

2 Q. Now, have we discussed all of your felony convictions?

3 A. No.

4 Q. What else is there, sir?

5 A. I got charged with having a weapon in prison, and I was
6 charged with attempted murder and criminal endangerment.

7 Q. And do you remember the date of those situations?

8 A. Yes.

9 Q. What was that, sir?

10 A. My first case, I was charged, May 1st, for the kidnapping
11 and assault.

12 Q. May I ask you what year? You said May 1st. I didn't
13 catch the year. I'm sorry.

14 A. 2001.

15 Q. 2001. Yes, sir.

16 Okay. Go ahead.

17 A. On April 12th, I was charged with attempted murder and
18 criminal endangerment, in 2002. And then, 2011, I was charged
19 with having a weapon in prison.

20 Q. So if I'm adding them up right, is it a total of four
21 felony convictions, sir?

22 A. Yes.

23 Q. All right. And the last case that you are you in now,
24 that's the bank robbery case; correct?

25 A. Yes.

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 Q. And you're attempting to withdraw your plea of guilty to
2 that; correct?

3 A. Yes.

4 Q. And the reason you are attempting to withdraw the plea is
5 when you made that plea, you weren't on medication; correct?

6 A. Yeah.

7 Q. I'm sorry?

8 A. Yes.

9 Q. And the medication is the medication for hearing the
10 voices; correct?

11 A. Yes.

12 Q. And it's also the medication for avoiding what I'm going
13 to call the visions. You see things; correct?

14 A. Yes.

15 Q. And these voices tell you to do bad things, don't they?

16 A. Not all of the time, but, yes.

17 Q. They tell you to hurt people; correct?

18 A. Yes.

19 Q. And when you pled guilty, you hadn't been on those
20 medications and because of that you didn't know what you were
21 doing. Correct? That's what you are saying?

22 A. I'm not really saying that. I was just saying that I
23 wasn't on my medication.

24 Q. Okay. When you are not on your medications -- and I don't
25 mean to offend you, and tell me if I am. When you're not on

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 your medications, would you agree that you are not mentally
2 right?

3 A. Yes, I would agree.

4 Q. Now, you first talked about this on November 8th of 2016;
5 correct?

6 A. Yes.

7 Q. And you weren't on your medications then, were you?

8 A. No.

9 Q. So the first time you talked about this to anyone, you
10 would agree you weren't mentally right?

11 A. Yes.

12 Q. And since you've talked about this the first time, do you
13 remember literally minutes before you had been talking to a
14 doctor who is at the corrections -- with corrections?

15 A. Yes.

16 Q. And they asked you, specifically, "Have you ever been
17 victimized sexually?"

18 Do you remember what you told them?

19 A. I said, "No."

20 Q. And if I said to you that your records indicate probably
21 on ten prior occasions you were asked that same question, you
22 always said, "no"?

23 A. Yes.

24 Q. And would you agree that, even though you weren't on your
25 medications on November 8th, when you met with -- did you meet

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 with the lady who asked you the questions, the prosecutor?

2 A. No.

3 Q. You've never met her before today?

4 A. No.

5 Q. Who did you meet with before today? Just the police
6 officer?

7 A. Yes.

8 Q. Do you ever meet with any other prosecutor? Did you meet
9 with Mr. Starnes?

10 A. No.

11 Q. You've never met the prosecutors before? Ever? You're
12 sure?

13 A. Yes.

14 Q. Mr. Starnes never came to see you? This is Mr. Starnes.
15 (Indicating.)

16 A. No.

17 Q. Never saw you anywhere?

18 A. No.

19 Q. Now, on November 8th, you tell the police -- and you're
20 not mentally stable -- but do you remember telling them when
21 they first asked you, "Do you know who Pat Weber is?"

22 Do you remember what you told them?

23 A. I told them, "No."

24 Q. Do you remember they asked you, "Well, Dr. Weber. Do you
25 know who Dr. Weber is?"

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 What did you say?

2 A. No.

3 Q. Then do you remember them saying, "Hey, we know you have
4 this weight on your shoulders, and that's why you're acting
5 out, and that's why you are so difficult, and that's why you've
6 had to go to these special prisons. And if you talk about
7 these things, you will feel better"?

8 Do you remember them telling you that?

9 A. Yes.

10 Q. And then do you remember saying that the reason you had to
11 see Dr. Foster is because you didn't believe your dad was dead?

12 A. Yes.

13 Q. And do you remember Dr. Foster? This is when you are 11.
14 You are seeing her because you've had some problems; right?
15 Mentally?

16 A. I wasn't 11.

17 Q. How old were you?

18 A. 12.

19 Q. Okay. When you were 12 and saw Dr. Foster, you were
20 having problems; correct?

21 A. Yes.

22 Q. You were in a gang at that point?

23 A. Yes.

24 Q. The Crips?

25 A. Yes.

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 Q. And you said to her -- when she asked if you'd ever been
2 abused, you said, "No. If somebody did that to me, I would
3 kill them."

4 A. Yes.

5 Q. And that was a year after this incident; correct?

6 A. Yes.

7 Q. And you started using a lot of drugs; correct?

8 A. Not a lot, but I started using drugs.

9 Q. Did you not have a daily habit of methamphetamine when you
10 weren't incarcerated?

11 A. No.

12 Q. How often were you using meth when you were not
13 incarcerated?

14 A. I was using it, but it wasn't a lot. It wasn't like every
15 day or nothing.

16 Q. Every other day?

17 A. Mostly on weekends.

18 Q. Okay. And then were you drinking every day?

19 A. Not every day.

20 Q. Every other day?

21 A. Again, mostly on weekends.

22 Q. And cocaine?

23 A. Yes, I started doing cocaine.

24 Q. And how often would you use cocaine?

25 A. Two or three times a month.

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 Q. How about LSD?

2 A. I tried it once.

3 Q. How about marijuana?

4 A. Yes, I smoked marijuana.

5 Q. And that was at an earlier age?

6 A. Yes.

7 Q. Like 12, 11?

8 A. Started when I was 12.

9 Q. Okay. Now, would you agree that between the mental
10 situation that we've discussed and the use of drugs and the use
11 of alcohol that it's affected your memory?

12 A. No.

13 Q. You think it's affected your mind?

14 A. Yes.

15 Q. And can I ask you: What kind of medication did you take
16 today?

17 A. Wellbutrin.

18 Q. Anything else?

19 A. No.

20 Q. And does that make the voices go away?

21 A. The medication I take for that is at night.

22 Q. And what's that?

23 A. Haldol and Artane.

24 Q. And did you take those last night?

25 A. Yes.

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 Q. And had you been given those prior to being transferred
2 here? So I think you said -- correct me if I'm wrong. Were
3 you in Kentucky before you were brought here?

4 A. Yes.

5 Q. And were you given those medications in Kentucky?

6 A. No.

7 Q. So how long had you been in Kentucky without those
8 medicines?

9 A. About seven months.

10 Q. And before that, where were you?

11 A. Lewisburg.

12 Q. And Lewisburg is in what state?

13 A. Pennsylvania.

14 Q. And is that a special type of prison?

15 A. Yes.

16 Q. What makes it special?

17 A. For people with a lot of violence and their institution
18 conduct.

19 Q. Is that why you were sent there because you had been
20 violent?

21 A. Not that time, no.

22 Q. Okay. Were you taking that medication in Lewisburg?

23 A. No.

24 Q. So if I said to you you haven't been on any of these
25 medications until they brought you here for the last three or

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 four years, would you agree?

2 A. No.

3 Q. When was the last time, prior to being here, that you were
4 actually taking Haldol --

5 What was the other one? Artane?

6 A. Artane.

7 Q. -- Artane and Wellbutrin on a regular basis? And I mean
8 daily basis for, say, at least one month straight?

9 A. I can't remember.

10 Q. It's been years, hasn't it?

11 A. Not years.

12 Q. Well, if --

13 A. It depends on what you mean by "years."

14 Q. Okay. You were -- when did you go to prison for the bank
15 robbery? Do you remember when you started?

16 A. 2014.

17 Q. Am I right that you hadn't taken any medication in '14,
18 '15, or '16? The medication we talked about.

19 A. I was on medication in 2015.

20 Q. The medication we talked about? The three things we
21 talked about: The Haldol, the Wellbutrin, the Artane?

22 A. Yes.

23 Q. How long were you on that?

24 A. How long I was on that medication?

25 Q. Yes, sir. For what continuous period were you on that

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 for, sir?

2 A. Well, I was here in Montana in the jail up in Shelby, and
3 I was on medication then.

4 Q. Okay. So isn't it -- your record suggests that you're
5 medicine-seeking.

6 Would you agree with that assessment?

7 A. No.

8 Q. Okay. You voluntarily got off these drugs, did you not?

9 A. Yes.

10 Q. You said that you didn't need them and they weren't
11 helping you; correct?

12 A. No.

13 Q. So why did you get off them?

14 A. Because I was getting ready to go through surgery, and I
15 got Hepatitis C. They said that it affects my liver, and they
16 were trying to get my numbers to go back up, my blood cells,
17 because they were down. They didn't want to risk me going
18 through surgery with anesthesia and all of that stuff the way
19 my liver is.

20 Q. And when was the surgery, sir?

21 A. 2015. 2017.

22 Q. Was it in '15 or '17? I'm sorry. I missed that.

23 A. Both.

24 Q. Both?

25 A. I went through multiple surgeries.

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 Q. Okay. So it's fair to say between '15 and '17, then, you
2 weren't on the medications because you didn't want to affect
3 your liver? Have I got that right?

4 A. I stopped taking them at the beginning of 2016.

5 Q. And when did you resume?

6 A. The beginning of -- yeah, beginning of '16.

7 Q. But I thought you had the surgery in '15?

8 A. Yes, I had the surgery in '15. Then I went through two
9 more in 2017.

10 Q. Okay. So when did you resume taking the medication?

11 A. A couple months ago, I think.

12 Q. And when you were being transferred here, you said, "I
13 want this medication." Right?

14 A. Yes.

15 Q. And --

16 A. I didn't say I wanted it, but, yeah, I was put on it.

17 Q. You never made a request to make sure that you got it?

18 A. No.

19 Q. And so I'm clear, you were transferred from Kentucky to
20 here; correct?

21 A. Yes.

22 Q. And you have family here in Montana; correct?

23 A. Yes.

24 Q. And they weren't able to see you in Kentucky because of
25 the cost; correct?

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 A. No.

2 Q. And --

3 A. I don't got no visits. They took my visits away.

4 Q. Who took your visits away?

5 A. The prison.

6 Q. In Kentucky?

7 A. No. They took my -- they did that in Beaumont.

8 Q. Beaumont's in Texas?

9 A. Yes.

10 Q. And what year was that?

11 A. 2015.

12 Q. Okay. And so you haven't had a visit until you came to
13 Montana; correct?

14 A. Yes.

15 Q. And since you have been here, you have been able to see
16 your family; correct?

17 A. Yes.

18 Q. Now, do you remember if, in fact, when you were
19 interviewed -- I want to go back to November 8th. Okay? 2016.
20 That's when law enforcement came to see you.

21 Are you with me on the same page?

22 A. Yes.

23 Q. This is the first time you ever talked about it; correct?

24 A. Yes.

25 Q. And do you remember saying that you were in these sessions

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 with Dr. Weber and there were other people with you in these
2 sessions?

3 A. No, I didn't -- I never had no sessions with Weber.

4 Q. You never had any sessions with Weber?

5 A. What do you mean by "sessions"? What kind of sessions?

6 Q. Good question.

7 Did you ever have treatment from Dr. Weber where he
8 would talk to you about things when other people were there?

9 A. No.

10 Q. Did you ever tell the investigators that you were with
11 your little brothers when you went to his office?

12 A. I didn't go to his office. I went to Becky Foster. I
13 went to see Foster.

14 Q. Okay. I'm confusing you, and I apologize.

15 Did you ever see Dr. Weber in his office?

16 A. Yes.

17 Q. Where was his office?

18 A. In the hospital in Browning.

19 Q. Do you remember what it looked like, his office? Do you
20 remember anything about it?

21 A. I didn't -- I didn't see him in his. I seen him in a
22 room.

23 Q. In a room where? A treatment room?

24 A. It was like -- like any other room at the clinic, I guess.
25 It gets a room. It gets a -- like stuff you put on your arm to

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 check your blood pressure and all of that kind of stuff.

2 Q. And that's where you saw him. And I'm going to call -- is
3 that the hospital or -- I am going to -- because it sounded
4 like there were two different locations, and I'm trying to
5 fether that out.

6 A. Yes, there was.

7 Q. Okay. What location would you describe that as: the
8 clinic or his office or the hospital?

9 A. There was a room inside the hospital, and then there was a
10 room inside the Nurturing Center.

11 Q. Okay. So what you are describing now, was this the room
12 in the Nurturing Center or at the hospital?

13 A. Both. They were both set up the same way.

14 Q. Okay. But I want to focus -- I'm trying to separate them
15 by location. You follow me?

16 So let's talk about the room in the Nurturing Center.
17 Okay? You follow me?

18 A. Yeah.

19 Q. Were you in that room with other children?

20 A. No.

21 Q. Were you ever with other children when you saw Dr. Weber?

22 A. No.

23 Q. Because you said this -- and see if this refreshes your
24 recollection. Okay?

25 This is line 10 on page 15, Counsel.

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 "And that's when we met that guy. Met him." This is
2 you speaking. "And then we" -- I'm emphasizing "we" -- "would
3 have to go to his office. Go to his office and talk about our
4 mom and my dad and how that was affecting us. And that's
5 when -- I don't really remember too much about my brothers or
6 anything, but what he was -- he just wanted me to like -- he
7 just -- me and other kids that were there. He just wanted us
8 to try to touch him."

9 You said that other kids were there in this statement
10 that you made the first time you talked about this on
11 November 8th of 2016. Okay. Those are your words. You're
12 saying there were other people there in the room.

13 Who were those other people?

14 A. What I was saying -- what I was saying is after my dad
15 died, I would have to go to see that woman up there at the
16 hospital with my brothers. But we had to go up to the hospital
17 because that's where it was at. And while we were up there,
18 that's when we used to see him. Not in that room. We see
19 him -- not in the room where I was going to see the woman about
20 dealing with my dad's death. It was up at the hospital, but I
21 didn't talk to him about it.

22 Q. No. I understand that. But that's not what you said?

23 A. You are not saying that, though.

24 Q. Okay. I'm just reading your words, and I'll read them
25 again to you, the relevant portion. You said, "And that's when

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 we met that guy. Met him. And then we would have to go to his
2 office. Go to his office and talk about our mom and dad." So
3 I'm assuming your dad had not died yet. "And how that was
4 affecting us. And that's when -- I don't really remember too
5 much about my brothers or anything, but what he was -- he just
6 wanted me to like -- just -- me and other kids that were there.
7 He just wanted us to try to touch him."

8 And then you went on to say, "Grab his penis. He
9 tried to grab ours. Well, he would grab ours. Just he used to
10 do that because we were kids, but he tried to tell us if we
11 would tell."

12 MS. SUEK: Objection. Improper impeachment.

13 THE COURT: Is there a question, Mr. Steinberg?

14 MR. STEINBERG: Yes.

15 BY MR. STEINBERG:

16 Q. Do you remember saying that?

17 A. Yes, I remember saying that. But when I was talking about
18 it, I'm trying to -- that's the only reason that I was going
19 there was because my dad died. And it wasn't to him. I didn't
20 go see him to talk about my dad's death and try to cope with
21 that. I didn't talk to him. But that was at the hospital
22 where I went to see the woman to talk to her about it. I was
23 in her office, me and my brothers. And when I was there
24 leaving, I would see him at the hospital. That's where I would
25 see him at. When I was getting ready to leave to go back to my

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 mom's, that's where I would see him at, at the hospital.

2 Q. But wouldn't you see him before your dad had died?

3 Because --

4 A. Yes.

5 Q. I'm sorry? "Yes"?

6 A. Yes.

7 But what you are talking about right there where I
8 say that I had to go see the doctor to cope with my dad's
9 death, that was after.

10 Q. If I confused you, I apologize. This doesn't say anything
11 about coping with your dad's death. I think that you were
12 concerned because, in here, that you were separated from your
13 mom and dad --

14 THE COURT: Mr. Steinberg --

15 MS. SUEK: Objection.

16 THE COURT: -- why don't you pose -- show him what
17 you are talking about --

18 MR. STEINBERG: Sure.

19 THE COURT: -- so he has a chance to --

20 MR. STEINBERG: Of course. May I approach?

21 THE COURT: What's your objection, Ms. Suek?

22 MS. SUEK: Assuming facts not in evidence.

23 THE COURT: All right. That's why I want him to be
24 able to show him what he's asking about so --

25 MR. STEINBERG: Of course.

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 THE COURT: -- he can explain the context.

2 MR. STEINBERG: Okay. May I approach?

3 THE CLERK: Approach the clerk, please.

4 MR. STEINBERG: Begins at line 10.

5 THE COURT: The clerk, please.

6 Mr. Four Horns, this will be on the screen in front of
7 you, sir, if you can see it.

8 (Displayed.)

9 THE COURT: What's the context here? Is there a
10 question from the --

11 MR. STEINBERG: Yes. May we just reask the question?

12 THE COURT: Well, was there a question from the
13 agent?

14 MR. STEINBERG: Yes. Here's the question:

15 THE COURT: What's the question from the agent?

16 MR. STEINBERG: Oh, we can go back.

17 (Displayed.)

18 THE COURT: All right. So now what's your question?

19 BY MR. STEINBERG:

20 Q. My question is this: This is while your dad is still
21 alive you're making this statement. This isn't after your dad
22 has died. This is before he has died. Isn't that correct?

23 A. Yes.

24 Q. And here you were saying there were other people in the
25 room --

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 THE COURT: Where is he saying that?

2 BY MR. STEINBERG:

3 Q. If you -- read line 14: "He just wanted me to like -- he
4 just -- me and the other kids that were there. He just wanted
5 us to try to touch him."

6 That's more than one kid that you are talking about,
7 isn't it, Mr. Four Horns, sir?

8 A. No, that was me.

9 Q. Then at line 20 you'd say, "Grab his penis. He tried to
10 grab ours. Well, he would grab ours."

11 You used the plural there, don't you?

12 A. Yeah. That's the way I talk. I've been talking like that
13 my whole life. I'm talking about me, though. I'm not talking
14 about no other kids. That's just the way I talk.

15 Q. Okay.

16 MR. STEINBERG: May I retrieve my document, Judge?

17 THE COURT: You may.

18 (Complying.)

19 BY MR. STEINBERG:

20 Q. Then you are specifically asked if there was any oral. Do
21 you remember that? Meaning oral contact sex.

22 A. Yes.

23 Q. Do you remember what your answer was?

24 A. I said, "No."

25 Q. And then you changed your answer; correct?

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 A. Yes.

2 Q. Why did you change your answer?

3 A. Because it's the truth.

4 Q. Okay. So when you first gave your answer, you weren't
5 telling the truth?

6 A. No.

7 I didn't really want to talk about it. I still don't
8 want to talk about it. I don't want to talk about being
9 molested. I don't want to tell everybody about that. I'm not
10 going to volunteer no information about none of that.

11 Q. Okay. Now, the first time you thought about this after it
12 happened was when?

13 A. Thought about what?

14 Q. This whole situation with Dr. Weber?

15 A. I used to think about it every day. It's in my mind every
16 day. I got molested. I got -- I was a little boy. That's not
17 something you want to talk about and brag about. Who do I talk
18 to about that?

19 Q. Did you ever --

20 A. Would you? How would you feel if you got molested by him?

21 Q. Did you talk to any doctors?

22 A. I didn't talk to nobody.

23 Q. Did psychologists ask you repeatedly what was wrong? Why
24 you were hearing voices? Had you ever been molested? They
25 asked you repeatedly. Correct?

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 A. Yes, and I repeatedly said, "No." I'm not going to tell
2 nobody. I don't want to talk about that.

3 Q. And then you decided to talk about it 25 years later?

4 A. And I didn't want to do that. I still don't want to do
5 that today. Right now, I don't want to talk about this. I
6 don't ever want to talk about that.

7 Q. What made you decide to talk about it? They come to you.
8 You don't volunteer. And in fact --

9 A. Honestly, the reason -- when he asked me if I remember
10 him, I said, "No," because I didn't know where this was going.
11 I didn't know what was going on. And I had been saying no.
12 Every time somebody asked me about being molested, being
13 touched, and sexually assaulted, I always said no.

14 And even when I leave here and anybody ask me, I am
15 still going to say no. That's not something I want to admit.
16 That's not something I want to let everybody know. I got
17 molested as a little kid. Man, I don't want to talk about
18 that.

19 But when you're saying that I was, I started to talk
20 about that. All right. I'll tell you the truth. Those pieces
21 of shit, those fucking child molesters, they deserve to be in
22 prison. They don't deserve to be on the street. They deserve
23 to get fucking fucked up and killed in fucking prison, and
24 that's what's going to happen. I hope to fucking God that he
25 comes to prison in the USP.

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 Q. And you had that revelation after you'd been in prison for
2 how many years, sir?

3 A. It wasn't a revelation. I just -- that's -- I don't want
4 to talk about it, man. I don't -- I didn't -- I still -- even
5 now, if somebody came up to me, if I go up to the jail and get
6 roped in and they ask me if I've ever been sexually assaulted,
7 I'm still going to say no.

8 Q. And when you were 12 and Dr. Foster asked you the same
9 question, did you have that same hardened viewpoint?

10 A. I'm always going to say no about that.

11 Q. Even when you were 12, before you had this hardened
12 lifestyle?

13 A. Yeah, it's embarrassing.

14 MR. STEINBERG: May I have just a moment, Judge?

15 THE COURT: You may.

16 (Off-the-record discussion among Mr. Steinberg, Mr. Cox,
17 and Ms. Ms. Siefert.)

18 BY MR. STEINBERG:

19 Q. Have you ever been to Dr. Weber's home?

20 A. No.

21 Q. And how often do you think you saw Dr. Weber, totally, in
22 terms of your visits? More than ten? Less than ten?

23 A. Probably more than ten.

24 Q. And did this happen every time you saw him?

25 A. Yeah.

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 Q. And did you ever see him when you were accompanied by your
2 brother or a guardian? Who took you to these visits?

3 A. The people that worked at the Nurturing Center.

4 Q. And you have strong feelings about people who commit sex
5 assault; correct?

6 A. Not back then.

7 Q. Not back then?

8 A. No.

9 Q. When did you develop these strong feelings?

10 A. Probably when I was, like, 14, 15.

11 Q. Well, you told Dr. Weber if anybody had done this to you,
12 when you were 12, you would have killed them. Correct?

13 Did I say Dr. Weber? I meant Dr. Foster. I
14 apologize.

15 A. Yes. At the time -- at the time -- I'm trying to see how
16 to explain this and put it in words.

17 At the time, it had already happened. I had already
18 been molested. I went to see her when I was 12 about my dad's
19 death. That was in '95. And then, '94, that's when I was
20 being molested.

21 After my dad's death, I thought -- I just thought
22 that I had a lot on my shoulders being the oldest one, being
23 the oldest. So I felt like -- I felt like I grew up a lot in
24 that one year.

25 And to think about that, to think about where I was

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 at in my life, with the violence, the violence that I seen and
2 the violence that I committed, when I thought about it, what I
3 would do if somebody did that to me -- at that point in my
4 life, I already knew that was wrong. I knew it was wrong back
5 then. And that's how I felt about it. I thought that if
6 anybody ever tried that to me again, that that's -- that's what
7 I was going to do. I would want to hurt that person.

8 Q. And I heard you say that you felt you were -- if you were
9 the leader of the family.

10 A. No. I felt I was the oldest, and we didn't have a dad.

11 Q. Okay. And then your younger brothers were seeing him?

12 A. What?

13 Q. Did you not hear me? I said -- I'm sorry. I said that
14 your younger brothers would see him on visits, and you weren't
15 there. Correct?

16 A. I didn't know that.

17 Q. Well, you had your younger brothers who lived on the
18 reservation; correct?

19 A. Yes.

20 Q. He was the pediatrician; correct?

21 A. Yes.

22 Q. The only pediatrician for that whole reservation?

23 A. I didn't know that. That's not something I knew when I
24 was that age.

25 Q. Well --

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 A. I didn't know what a pediatrician was.

2 Q. When you came back, after your dad died, when you were 12,
3 did you see him again?

4 A. I was 11. I never went to see him for anything, but I
5 would see him at the hospital.

6 Q. And you knew he was seeing your brothers?

7 A. I didn't know that.

8 MR. STEINBERG: I have nothing further. Thank you.

9 THE COURT: Redirect, Ms. Suek.

10 MS. SUEK: Your Honor, could we have sidebar just a
11 moment.

12 THE COURT: You may.

13 (Discussion on the record at sidebar.)

14 (Defendant not present.)

15 THE COURT: All right. We're at sidebar with
16 counsel.

17 Ms. Suek, do you have an issue?

18 MS. SUEK: Yes, Your Honor. I know opening statement
19 isn't evidence, but their opening statement and
20 cross-examination, we believe now, that the defense has made,
21 the recorded interview of Mr. Four Horns is relevant, not for
22 the truth of the matter asserted, but to counteract some
23 misstatements we believe have been made. The statements
24 suggest --

25 THE COURT: This interview was the one referred by --

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 MS. SUEK: It is. And what I plan on doing -- he has
2 heard it yesterday. I plan on having him confirm that he
3 listened to it. That it is accurate. And then we'd ask to
4 play it, not for the truth but to --

5 THE COURT: How long is it?

6 MS. SUEK: Excuse me.

7 THE COURT: How long is it?

8 MS. SUEK: 52 minutes.

9 THE COURT: Mr. Steinberg.

10 MR. STEINBERG: Well, I object. I think that they
11 can rehabilitate and they can point to particular portions, but
12 what I used for impeachment doesn't open the door to the entire
13 interview. It only opens the door to the relevant portions.

14 THE COURT: Why? You were reading from -- I
15 understood that you were reading portions of that.

16 MR. STEINBERG: Right. If there's something that
17 they have that counteracts that --

18 THE COURT: It doesn't open the door on everything?
19 Do you have a particular section you want to use?

20 MS. SUEK: We could do that. But the problem is, in
21 our view, it's not the substance of it, Your Honor. It is not
22 only the lack of suggestibility in the interview, but the
23 credibility of Mr. Four Horns's lucidity. This is the best
24 evidence.

25 THE COURT: I think the defense has opened the door

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 to this. We had discussions in opening statements about
2 getting the benefit of coming back to Montana and seeing his
3 family. You asked questions about that during
4 cross-examination. There were discussions about what he told
5 investigators when first asked. I think the government is
6 entitled to try to explain the context of when those statements
7 were made. So I will allow it.

8 MR. STEINBERG: The entirety?

9 THE COURT: Yeah.

10 MS. SUEK: Thank you, Your Honor.

11 MR. STEINBERG: I want to make clear that we object.
12 We think that it only opens portions of it, not the entirety of
13 it. And I also would ask for a cautionary instruction that the
14 statements made by the officer, those prejudicial statements by
15 the officer--

16 THE COURT: Hold on. What do we have from the
17 officer? Tell me. Give me more context here.

18 MS. SUEK: He's asking questions of this.

19 THE COURT: Where --

20 MS. SUEK: There's no record --

21 THE COURT: Do we have discussions about other
22 alleged victims?

23 MS. SUEK: No. There's no discussions of other
24 alleged victims.

25 THE COURT: Is there a discussion about how the

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 investigation came to focus on Mr. Weber?

2 MS. SUEK: No.

3 THE COURT: What do you mean by that?

4 MR. STEINBERG: That's what I'm concerned about.

5 There is, I think, discussion about "Other people told us you
6 might be a victim." Those kinds of things.

7 MS. SUEK: Only that much. He doesn't say it comes
8 from South Dakota. He doesn't give --

9 THE COURT: Any other names?

10 MS. SUEK: Dr. Foster. That's it. Becky Foster from
11 Browning.

12 THE COURT: And she's going to testify?

13 MS. SUEK: She is.

14 THE COURT: All right. What's the objection, then?

15 MR. STEINBERG: Because I think that doesn't open the
16 door to the entire tape. What I said -- I had him read the
17 portions that were relevant. Those portions were accurate. He
18 admitted, and he explained it. "That's how I speak." Okay.
19 Fine. That doesn't open the door to things that are
20 collateral.

21 THE COURT: What's the nature of this? What's the
22 need for this?

23 MS. SUEK: Because they have attacked his lucidity,
24 his ability to remember. They've suggested that he got
25 something from the government, that he was coming back to

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 Montana, and that this is why he's saying this. And this --

2 THE COURT: All right. Is there any -- can you focus
3 on some particular section of it?

4 MS. SUEK: We could try.

5 THE COURT: I wouldn't think that 52 minutes would be
6 needed.

7 MS. SUEK: It is. I mean, you start out with him
8 denying everything that we've talked about, and then it
9 develops into him making this statement. It is that there are
10 periods, like you saw today, with Joe where he doesn't answer
11 immediately.

12 THE COURT: Do we have it handy where we can move
13 around the CD, or not? Do you know the numbers on it?

14 MS. SUEK: Jeff.

15 (Mr. Starnes approaches sidebar.)

16 THE COURT: I would tell you that I would be inclined
17 to -- okay. "Joe, you initially denied the allegation," and
18 then let you play those sections. And then after, "You later
19 changed your answers," and then do that section. Not all
20 52 minutes.

21 Do we have the ability to pinpoint a few minutes on
22 the 60-minute tape where we can give the jury a sense of --

23 MR. STARNES: The disclosure begins at about
24 18-and-a-half minutes into it.

25 THE COURT: What about the initial denials?

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 MR. STARNES: The initial denials are pretty much in
2 the first 18 minutes here. At 18-and-a-half minutes is where
3 he is having additional interaction.

4 THE COURT: My question is can we narrow this down to
5 deal with issues that Ms. Suek has raised about questions
6 raised about Mr. Four Horns's credibility about his -- any
7 offers he received to come back to Montana, any suggestibility
8 by --

9 MR. STARNES: All of that occurs in the first -- so
10 from minute zero to about minute 18-and-a-half on the tape.

11 THE COURT: Do you think that would be sufficient to
12 play the first 18?

13 MR. STARNES: I do because from 18-and-a-half minutes
14 on, it talks about what he's testified to.

15 THE COURT: Mr. Steinberg, what's your view on that?

16 MR. STEINBERG: Well, again, I don't think it's
17 proper. I think he's entitled to ask the question and say, "Is
18 it true that you denied it initially? Why did you deny it?"
19 And when he tells why he denied it, then you play.

20 THE COURT: Well, you cross-examined him about it,
21 and you suggested that he changed his mind about it because he
22 was receiving some offer of a trip to see his family.

23 MS. SUEK: And --

24 MR. STEINBERG: Let me finish.

25 Except he said, "No, that's not why." Because he

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 said, "I didn't want to talk about it. I am embarrassed. I'm
2 ashamed by it. If I were asked about it again, I wouldn't talk
3 about it." He explained it. This has nothing to do with that.
4 He doesn't impeach nor does he, if you will, corroborate. He
5 told you he did. He's not denying. He can say, "Yeah, I
6 denied it for 18-and-a-half minutes, and here's why. And I
7 will deny it again." That's his testimony.

8 THE COURT: What is your -- tell me your need to play
9 it.

10 MS. SUEK: Because, again, that's just part of it.
11 The other part of it is they raised the fact he's not on
12 medicine, that he got these conditions, that the agent was
13 suggesting what he should say. And, in our view, this
14 counteracts that, and it's the best evidence.

15 THE COURT: And that's in the first 18 minutes?

16 MR. STARNES: 18-and-a-half minutes.

17 THE COURT: Okay. And that would be it?

18 MR. STARNES: That's correct, Your Honor.

19 THE COURT: Okay.

20 MS. SUEK: Right to the disclosure.

21 MR. STARNES: Correct. We have transcripts that we
22 can follow along with.

23 THE COURT: You have transcripts for the jurors?

24 MR. STARNES: I can make copies of it.

25 THE COURT: We only need one for the clerk to place

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 on the screen.

2 MR. STARNES: I have one.

3 THE CLERK: A clean one?

4 THE COURT: All right. I will -- for those reasons
5 that Ms. Suek stated about the not having medication, about
6 making this up about suggestibility, about incentive for making
7 up this story, I will allow the first 18-and-a-half minutes,
8 until the point where he makes the disclosure, and that will be
9 all.

10 Do you understand?

11 MS. SUEK: Okay.

12 MR. STARNES: Thank you.

13 THE COURT: If anything new comes out and you need to
14 recross, I'll allow a limited recross.

15 MR. STEINBERG: Something has come up. I didn't know
16 he heard it yesterday.

17 THE COURT: Didn't know what?

18 MR. STEINBERG: I didn't know that he had a visit
19 yesterday and he heard the whole tape yesterday. That just
20 came up.

21 THE COURT: You didn't know who had a visit?

22 MR. STEINBERG: Four Horns, apparently, according to
23 counsel, had a visit yesterday and listened to the whole tape.

24 THE COURT: Wait. A visit by you?

25 MS. SUEK: Yes.

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 MR. STEINBERG: And he denied that he had every seen
2 them before.

3 MS. SUEK: We'll explain that.

4 MR. STARNES: We'll clear that up right now.

5 THE COURT: Okay. So if you want to do a limited
6 recross, Mr. Steinberg, I'll allow that.

7 MR. STEINBERG: Thank you.

8 THE COURT: We're narrowing this down. We're not
9 going to keep -- you dragging this up again. This is
10 18-and-a-half minutes, and then you can recross. Are we clear?

11 MS. SUEK: Yes, Your Honor. And nothing about South
12 Dakota or anything of those names.

13 MR. STARNES: Because I don't think that they -- they
14 didn't discuss that -- well, I need 5 minutes to look through
15 the transcript, or maybe less.

16 MS. SUEK: Could we have 5 minutes.

17 THE COURT: Do you want me to excuse the jury? Or
18 what do you want me to do?

19 MR. STARNES: It will just take 5 minutes.

20 MS. SUEK: It will just take a few minutes.

21 MR. STEINBERG: One other thing, Judge. I would like
22 the record to reflect that when counsel was asked -- counsel
23 asked the witness if he saw Dr. Weber in the courtroom, he
24 identified Harvey Steinberg.

25 THE COURT: He also identified Dr. Weber in the

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 picture.

2 MR. STEINBERG: I understand.

3 THE COURT: And he also testified that he hadn't seen
4 him in 25 years.

5 MR. STEINBERG: I understand.

6 THE COURT: So I don't think there's any question
7 about who Mr. Weber is.

8 MR. STEINBERG: I think the record should reflect --

9 THE COURT: You're certainly entitled to ask the
10 record reflect that.

11 MR. STEINBERG: Thank you.

12 THE COURT: Okay.

13 MR. STARNES: Thank you, Your Honor.

14 (Open court.)

15 (Defendant present.)

16 THE COURT: Members of the jury. I apologize for the
17 delay. The government has an audio tape of the interview of
18 Mr. Four Horns. They want to play a portion. This was
19 Mr. Four Horns being interviewed by the agents in which he made
20 the initial disclosure. So they will play a part of that for
21 you, I believe. Just bear with us as we get all of this
22 organized.

23 (Off-the-record discussion between Mr. Starnes and
24 Ms. Suek.)

25 MS. SUEK: Your Honor, may we approach?

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 THE COURT: You may.

2 (Discussion on the record at sidebar.)

3 (Defendant not present.)

4 THE COURT: Ms. Suek.

5 MS. SUEK: Your Honor, we've reviewed the first 18
6 minutes which is about 15 pages, 15 pages of the transcript.
7 This investigator is from South Dakota. He mentions he did
8 come from South Dakota. He's not testifying. Curt Muller is
9 testifying. He's testifying that his region is --

10 THE COURT: Why can't you use the transcript to
11 rehabilitate Mr. Four Horns?

12 MS. SUEK: Because it will allow the jury to hear his
13 voice, to hear his lucidity, to hear his ability to answer
14 questions, and the lack of affective mental illness on his
15 ability to remember, lack of suggestibility of the agent's
16 questioning.

17 MR. STEINBERG: I didn't go into it, Judge. I didn't
18 suggest any of this. I just asked --

19 THE COURT: You didn't go into what?

20 MR. STEINBERG: Suggestibility in terms of the --
21 what the agents suggested. I said to him --

22 THE COURT: You didn't argue that in your opening
23 statement?

24 MR. STEINBERG: Well, that's -- I did argue in my
25 opening statement. My opening statement is not evidence. When

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 it came in through this witness --

2 THE COURT: Then you suggested that Mr. Four Horns
3 initially denied the charges.

4 MR. STEINBERG: Which he admitted. He admitted to
5 all of that on the stand. That's why I don't understand why
6 this comes in. Again, I asked, "Did you initially deny it?"
7 "Yes, I did."

8 THE COURT: All right. So can we redact the first
9 paragraph?

10 MR. STEINBERG: I'm also concerned about page 2,
11 lines 15, 16, 17, and 18. This is a question asked by he
12 officer.

13 THE COURT: What's the problem with that?

14 MR. STEINBERG: "Your name had popped up more than
15 once after interviewing a number of witnesses as being a
16 possible sexual assault victim of that particular doctor." So
17 now, all of a sudden, the jury --

18 THE COURT: Ms. Suek, do we have a problem with this
19 paragraph about his name has popped up? He says he never told
20 anyone about this.

21 MS. SUEK: Okay. And that's what he says, through
22 interviews of other witnesses.

23 MR. STEINBERG: Well, he could have been lying that
24 he didn't talk. I don't know. So that's what I'm worried
25 about is that the prejudice here will outweigh -- he could have

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 used that as a technique, "Hey, other people have told me," as
2 a way to get him to talk. I don't know that they did. I might
3 even think they didn't. But having said that, I think it's
4 prejudice to have that in front of the jury.

5 THE COURT: All right. It's five past 5:00. We're
6 going to finish for today. You're going to -- you're going to
7 spend the night looking at this, researching the law and making
8 sure you want to play this tape. And if you decide you can't,
9 instead simply ask him about the contents -- you know,
10 question, "Why did you respond that way?" And look for case
11 law to support your theory that it's appropriate to play the
12 length of the interview, 18-and-a-half minutes, in light of the
13 cross-examination undertaken by Mr. Steinberg and the argument
14 in opening statement, that requires a legal admission to the
15 extent you are asking.

16 I want to avoid -- it's the end of the day. It's
17 been a long day and I want to avoid -- making sure again that
18 this trial goes as smooth as we can without creating
19 unnecessary appeal issues. We'll reconvene tomorrow morning at
20 8:30. I'll tell the jury to come in at 9:00 o'clock tomorrow,
21 so that we have time to argue this out and make an appropriate
22 decision.

23 Are we clear?

24 MS. SUEK: Thank you, Your Honor.

25 THE COURT: We'll break for the evening. And when we

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 get back tomorrow, Mr. Four Horns will have cross-examination.

2 MR. STARNES: Sorry. Tomorrow for redirect
3 examination?

4 THE COURT: Redirect. Sorry. Yes. That will be at
5 9:00 o'clock.

6 MS. SUEK: Thank you.

7 (Open court.)

8 (Defendant present.)

9 THE COURT: Members of the jury, a legal issue has
10 arisen that I am reluctant to make a snap ruling on. It's late
11 in the day. There are rules that govern the conduct of the
12 trial. Just like we can't have a game with people playing with
13 two sets of rules. You can't have baseball where one team gets
14 1 out and the other team gets 12 outs, and where one team gets
15 8 players and the other team gets 2 players. Everyone has to
16 follow the rules.

17 And there's rules that govern the conduct of this
18 trial. I have to make a decision about a request regarding the
19 potential piece of evidence. I'm not comfortable doing that on
20 the spot at 5:10 in the afternoon and create an issue that
21 causes the case to get reversed on appeal.

22 So what we're going to do is break for the night. I
23 am going to ask you -- we're going to meet tomorrow morning at
24 8:30, but I will ask you to come back at 9:00 o'clock. I don't
25 want to waste your time while we're arguing this. So why don't

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 you come back at about 8:45, 8:50. We will reconvene trial at
2 9:00 o'clock, and the lawyers will finish these arguments first
3 thing tomorrow morning, after they've had a chance tonight to
4 conduct further research on the matter.

5 So you are excused for the night. Please be back
6 here at 8:45, 8:50. We'll start at 9:00 o'clock, and we'll go
7 tomorrow till probably about 5:30. And I'll remind you again,
8 members of the jury, please don't discuss the case with anyone.

9 And, members of the jury, take the notebooks with you
10 to the jury room and leave them there. Thank you.

11 (Jury leave the courtroom.)

12 THE COURT: Please be seated.

13 Mr. Four Horns, you can step down. We'll finish you
14 up tomorrow morning. You can step down for now if you like.

15 THE WITNESS: I have to come back and do this again?

16 THE COURT: One more time, yes. Thank you.

17 (Witness leaves the courtroom.)

18 THE COURT: All right. Please be seated.

19 So, Ms. Suek, we're clear about your instructions for
20 the night?

21 MS. SUEK: Yes, Your Honor, I'm clear.

22 THE COURT: Okay. I want any legal authority to
23 support that length of excerpt and see if there's any other way
24 you can shorten up the questioning and play a small portion or
25 use the transcript to attempt to rehabilitate him instead.

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 MS. SUEK: We will look at it, Your Honor, and make
2 every effort to be limiting.

3 THE COURT: And, Mr. Steinberg, you are, of course,
4 welcome to present any arguments you think on why it would be
5 improper to admit that length of the interview.

6 MR. STEINBERG: Thank you, sir.

7 THE COURT: Anything else before tomorrow?

8 MR. STARNES: No, Your Honor thank you.

9 THE COURT: Mr. Steinberg?

10 MR. STEINBERG: No, sir.

11 THE COURT: All right. We'll be in recess. 8:30
12 tomorrow. And we'll start testimony at 9:00 o'clock.

13 (The proceedings concluded at 5:09 p.m.)

14
15 --oo0oo--

16
17 (The proceedings continued on September 5th, 2018, at
18 8:39 a.m.)

19 (Open court.)

20 (Defendant present.)

21 (Jury not present.)

22 THE COURT: Please be seated.

23 Morning, Counsel.

24 MR. STARNES: Good morning, Your Honor.

25 MR. STEINBERG: Good morning, Judge.

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 THE COURT: All right. So we had a couple of issues
2 last night that we need to address it morning. The first one
3 is regarding the government's request to play an audio tape of
4 the interview.

5 Mr. Starnes, what's the situation?

6 MR. STARNES: Yes, Your Honor. So we are withdrawing
7 that request. After reviewing the tape itself, as well as a
8 little bit of case law surrounding it, we think it's probably
9 in the government's best interest to proceed in another way.
10 So we're going to withdraw that request.

11 THE COURT: Probably a wise choice. Further
12 evidence -- it's not a good idea to make a rash decision at
13 5:15 after a full day of trial.

14 MR. STARNES: Correct, Your Honor.

15 THE COURT: So are you prepared to redirect
16 Mr. Four Horns?

17 MR. STARNES: Actually, I believe that we do not
18 intend to present any redirect of Mr. Four Horns.

19 THE COURT: Is he excused then?

20 MR. STARNES: We would ask that he be excused, Your
21 Honor.

22 MR. STEINBERG: I'm objecting to that because I do
23 want to ask a question. If the Court recalls, during my
24 cross-examination, I asked the witness if he had any contact
25 with the government since he made his initial statement. He

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 absolutely said no.

2 At the bench, the prosecution revealed that, in fact,
3 they had met with him the day before yesterday and played the
4 entire tape for him. I was not aware of that, and I believe
5 that I should have the right to ask him that question again now
6 that I have the government conceding that, in fact, they met
7 with him the night before he testified for at least an hour
8 because I will tell you that tape is, I think 52 minutes long.
9 And it was both Mr. Starnes and counsel who examined him, and
10 it would be unfair for that not to be allowed to be put in
11 front of the jury. And I had no idea that that took place
12 until the bench conference.

13 THE COURT: Mr. Starnes.

14 (Off-the-record discussion between Mr. Starnes and
15 Ms. Suek.

16 MR. STARNES: Sure. We can recall him for that
17 limited purpose, Your Honor. I mean, Ms. Suek and I did meet,
18 along with Special Agent Muller, did meet with Mr. Four Horns
19 on Monday afternoon at jail. We did play a copy of the
20 interview for him at the jail. So that is a factually correct
21 statement by the defense. So we can certainly call him to
22 explain that point.

23 THE COURT: Do you want to call him on redirect to
24 explain that?

25 MR. STARNES: We can do that on redirect, yes, Your

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 Honor.

2 THE COURT: All right. And then what about
3 Mr. Steinberg's -- should he be given a chance to recross?

4 MR. STARNES: Well, so the question came from
5 Mr. Steinberg. So if the issue has been -- well, I think the
6 answer to that is probably not, depending on what he says. So
7 if he admits that he did, in fact, meet with us, then the
8 impeachment of that prior statement is at that point complete.
9 So there would be no need to recross him on that point.

10 THE COURT: All right. Mr. Steinberg?

11 MR. STEINBERG: You know, I think that the Court
12 should know that I don't waste time in terms of
13 cross-examination. I get to the point. I am in and out. I am
14 reluctant to commit at this point.

15 THE COURT: Well, let's see how the testimony goes.

16 MR. STEINBERG: Yes.

17 THE COURT: All right. Anything else to address this
18 morning?

19 MR. STEINBERG: Yes. Could we have a sidebar with
20 regard to one quick matter?

21 THE COURT: Yes.

22 (Whereupon a discussion took place with at sidebar with
23 counsel regarding a juror. Proceedings continued in
24 chambers. Everyone subsequently returned to courtroom.)
25 (Open court.)

RONALD JOSEPH FOUR HORNS - CROSS-EXAMINATION BY MR. STEINBERG

1 (Defendant present.)

2 THE COURT: Please be seated.

3 Good morning, Counsel. Ready to proceed?

4 MR. STARNES: We are, Your Honor.

5 THE COURT: Mr. Steinberg?

6 MR. STEINBERG: Yes, sir.

7 THE COURT: Good morning, Mr. Four Horns.

8 THE WITNESS: Good morning.

9 THE COURT: Please bring in the juror.

10 (Jury present.)

11 THE COURT: Please be seated.

12 Good morning, members of the jury. I hope you passed
13 a pleasant evening. As you recall, there was some delay at the
14 end of the day yesterday regarding some legal issues. We have
15 revolved those.

16 When we finished last night, Mr. Weber's counsel
17 finished his cross-examination of Mr. Four Horns. Now, the
18 government will have a chance to ask redirect questions of
19 Mr. Four Horns. That's how we will proceed.

20 Before we go, though, I want to remind the jurors of
21 the need not to speak to anyone involved with the case. Don't
22 speak with members of the media. If they approach you, please
23 ask them to move away. It's important that we keep you from
24 having any improper contact. So the safest thing is keep your
25 head down. Don't answer any questions from anyone. If anyone

RONALD JOSEPH FOUR HORNS - REDIRECT EXAMINATION BY MS. SUEK

1 tries to approach you, please let me know about it.

2 All right. Ms. Suek, your redirect examination.

3 REDIRECT EXAMINATION

4 BY MS. SUEK:

5 Q. Joe?

6 A. Yeah.

7 Q. Can you see me?

8 A. Yes.

9 (Ms. Suek moves to different location.)

10 BY MS. SUEK:

11 Q. Can you see me, Joe?

12 A. Yes.

13 Q. Yesterday, you were asked by defense counsel if you had
14 met with Mr. Starnes or I at the jail or had ever met with us
15 before and you said, "No."

16 Do you remember that?

17 A. Yes.

18 Q. Why did you say you hadn't met with us?

19 A. I thought that they were talking about before I came back.

20 Q. I understand.

21 So where did Mr. Starnes and I meet with you?

22 A. At the jail.

23 Q. Here in Great Falls?

24 A. Yeah.

25 Q. We didn't travel to Kentucky, did we?

RONALD JOSEPH FOUR HORNS - RECROSS-EXAMINATION BY MR. STEINBERG

1 A. No.

2 Q. Or to Pennsylvania?

3 A. No.

4 Q. Joe, do you wear glasses?

5 A. Yes.

6 Q. Why do you wear them?

7 A. I can't see.

8 Q. Can't see far or near?

9 A. Far.

10 Q. Okay. You weren't wearing them yesterday, were you?

11 A. No.

12 Q. And you are not wearing them today?

13 A. No.

14 MS. SUEK: No further questions.

15 THE COURT: Recross, very briefly.

16 RECROSS-EXAMINATION

17 BY MR. STEINBERG:

18 Q. When you met with the prosecutors, was that Sunday -- or
19 was that Monday afternoon?

20 A. I got here on the Friday. I got to Great Falls to the
21 county jail right there on the hill, Friday. And I talked to
22 them Sunday, I think.

23 Q. So Sunday before. A couple days before you testified.

24 Today is Wednesday. I'm trying to get --

25 A. Yeah, the first time -- the first time was on the Sunday.

RONALD JOSEPH FOUR HORNS - RECROSS-EXAMINATION BY MR. STEINBERG

1 The very first time was on a Sunday. And then just -- I think
2 just Sunday this past -- or Monday. I think Monday they came
3 to see me.

4 Q. And it was Mr. Starnes and Ms. Suek and the investigator
5 as well?

6 A. Yes.

7 Q. And they went over your testimony?

8 A. Yes.

9 Q. And they played that tape for you?

10 MS. SUEK: Objection, Your Honor. Beyond the scope
11 of redirect.

12 THE COURT: I'll allow it.

13 Go ahead.

14 BY MR. STEINBERG:

15 Q. And they played that entire tape for you?

16 A. Yes.

17 Q. And counsel asked you if you could see. When she sat
18 down, you could see her; correct?

19 A. Yes.

20 Q. And you can see me?

21 A. Yes. Everything is blurry, but I can see you guys.

22 Q. And you can see that I have glasses?

23 A. Yes.

24 Q. And I was the only one at the table amongst the men that
25 had glasses?

RONALD JOSEPH FOUR HORNS - RECROSS-EXAMINATION BY MR. STEINBERG

1 A. Yes.

2 Q. And you identified me as Dr. Weber?

3 A. Yes.

4 Q. Because of my glasses?

5 A. Yes.

6 Q. So you could see that far and see that I had glasses?

7 A. Yes.

8 MR. STEINBERG: Thank you. Nothing further.

9 THE COURT: Is the witness excused?

10 MS. SUEK: Yes, Your Honor.

11 THE COURT: All right. You may step down,

12 Mr. Four Horns. Thank you, sir.

13 (Whereupon the trial continued.)

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REPORTER'S CERTIFICATE

REPORTER'S CERTIFICATE

I, Yvette Heinze, a Registered Professional Reporter and Certified Shorthand Reporter, certify that the foregoing transcript is a true and correct record of the proceedings given at the time and place hereinbefore mentioned; that the proceedings were reported by me in machine shorthand and thereafter reduced to typewriting using computer-assisted transcription; that after being reduced to typewriting, a certified copy of this transcript will be filed electronically with the Court.

I further certify that I am not attorney for, nor employed by, nor related to any of the parties or attorneys to this action, nor financially interested in this action.

IN WITNESS WHEREOF, I have set my hand at Great Falls, Montana, this 16th day of September, 2018.

/s/ Yvette Heinze

Yvette Heinze
United States Court Reporter